

Official Journal

of the European Union

L 238



English edition

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Volume 53

9 September 2010

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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION

of 26 July 2010

on the conclusion of the Agreement between the European Union and Iceland and Norway on the application of certain provisions of Council Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime and Council Decision 2008/616/JHA on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, and the Annex thereto

(2010/482/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 82(1)(d) and Article 87(2)(a), in conjunction with Article 218(6)(a),

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,

Whereas:

- (1) On 24 October 2008, the Council authorised the Presidency, assisted by the Commission, to open negotiations on an agreement between the European Union and Iceland and Norway on the application of certain provisions of Council Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime and Council Decision 2008/616/JHA on the implementation of decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, and the Annex thereto (the Agreement).
- (2) In accordance with Council Decision 2009/1023/JHA of 21 September 2009 ⁽¹⁾ the Agreement was signed on 30 November 2009, subject to its conclusion.
- (3) In accordance with Article 8 of the Agreement, some of its provisions are applied on a provisional basis, as from the date of signature.
- (4) The Agreement has not yet been concluded. With the entry into force of the Treaty of Lisbon on 1 December 2009, the procedures to be followed by

the Union in order to conclude the Agreement are governed by Article 218 of the Treaty on the Functioning of the European Union.

- (5) The Agreement should be approved.
- (6) In accordance with Article 3 of the Protocol on the Position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, these Member States have notified their wish to take part in the adoption and application of this Decision.
- (7) In accordance with Articles 1 and 2 of the Protocol on the Position of Denmark, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application,

HAS ADOPTED THIS DECISION:

Article 1

The Agreement between the European Union and Iceland and Norway on the application of certain provisions of Council Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime and Council Decision 2008/616/JHA on the implementation of decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, and the Annex thereto ⁽²⁾ (the Agreement) is hereby approved on behalf of the Union.

⁽¹⁾ OJ L 353, 31.12.2009, p. 1.

⁽²⁾ OJ L 353, 31.12.2009, p. 3.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to give, on behalf of the Union, the notification provided for in Article 8(1) of the Agreement in order to bind the Union ⁽¹⁾.

Article 3

This Decision shall enter into force on the day of its adoption.

Article 4

This Decision shall be published in the *Official Journal of the European Union*.

Done at Brussels, 26 July 2010.

For the Council
The President
S. VANACKERE

⁽¹⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

REGULATIONS

COMMISSION REGULATION (EU) No 793/2010

of 8 September 2010

establishing the standard import values for determining the entry price of certain fruit and vegetables

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules for Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ⁽²⁾, and in particular Article 138(1) thereof,

Whereas:

Regulation (EC) No 1580/2007 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XV, Part A thereto,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 138 of Regulation (EC) No 1580/2007 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 9 September 2010.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 8 September 2010.

*For the Commission,
On behalf of the President,
Jean-Luc DEMARTY
Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

Standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	MK	48,2
	XS	50,2
	ZZ	49,2
0707 00 05	MK	41,0
	TR	154,7
	ZZ	97,9
0709 90 70	TR	114,7
	ZZ	114,7
0805 50 10	AR	143,3
	BR	122,7
	CL	134,8
	IL	141,4
	TR	150,9
	UY	77,2
	ZA	120,6
	ZZ	127,3
0806 10 10	EG	160,9
	TR	107,8
	US	179,8
	ZA	152,0
	ZZ	150,1
0808 10 80	AR	109,7
	BR	67,1
	CL	98,7
	CN	57,6
	NZ	104,5
	US	86,6
	ZA	85,0
	ZZ	87,0
0808 20 50	AR	80,1
	CL	150,5
	TR	128,9
	ZA	80,0
	ZZ	109,9
0809 30	AR	55,2
	TR	162,3
	ZZ	108,8
0809 40 05	BA	52,6
	IL	164,0
	XS	52,3
	ZZ	89,6

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'of other origin'.

COMMISSION REGULATION (EU) No 794/2010**of 8 September 2010****amending the representative prices and additional import duties for certain products in the sugar sector fixed by Regulation (EC) No 877/2009 for the 2009/10 marketing year**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (single CMO Regulation) ⁽¹⁾,Having regard to Commission Regulation (EC) No 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector ⁽²⁾, and in particular Article 36(2), second subparagraph, second sentence thereof,

Whereas:

(1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups

for the 2009/10 marketing year are fixed by Commission Regulation (EC) No 877/2009 ⁽³⁾. These prices and duties have been last amended by Commission Regulation (EU) No 789/2010 ⁽⁴⁾.

(2) The data currently available to the Commission indicate that those amounts should be amended in accordance with the rules and procedures laid down in Regulation (EC) No 951/2006,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties applicable to imports of the products referred to in Article 36 of Regulation (EC) No 951/2006, as fixed by Regulation (EC) No 877/2009 for the 2009/10, marketing year, are hereby amended as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 9 September 2010.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 8 September 2010.

*For the Commission,
On behalf of the President,*

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*⁽¹⁾ OJ L 299, 16.11.2007, p. 1.⁽²⁾ OJ L 178, 1.7.2006, p. 24.⁽³⁾ OJ L 253, 25.9.2009, p. 3.⁽⁴⁾ OJ L 236, 7.9.2010, p. 3.

ANNEX

Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 9 September 2010

(EUR)

CN code	Representative price per 100 kg net of the product concerned	Additional duty per 100 kg net of the product concerned
1701 11 10 ⁽¹⁾	49,36	0,00
1701 11 90 ⁽¹⁾	49,36	0,10
1701 12 10 ⁽¹⁾	49,36	0,00
1701 12 90 ⁽¹⁾	49,36	0,00
1701 91 00 ⁽²⁾	47,61	3,19
1701 99 10 ⁽²⁾	47,61	0,05
1701 99 90 ⁽²⁾	47,61	0,05
1702 90 95 ⁽³⁾	0,48	0,23

⁽¹⁾ For the standard quality defined in point III of Annex IV to Regulation (EC) No 1234/2007.

⁽²⁾ For the standard quality defined in point II of Annex IV to Regulation (EC) No 1234/2007.

⁽³⁾ Per 1 % sucrose content.

DIRECTIVES

COMMISSION DIRECTIVE 2010/62/EU

of 8 September 2010

amending, for the purpose of adapting their technical provisions, Council Directives 80/720/EEC and 86/297/EEC and Directives 2003/37/EC, 2009/60/EC and 2009/144/EC of the European Parliament and of the Council relating to the type-approval of agricultural or forestry tractors

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2003/37/EC of the European Parliament and of the Council of 26 May 2003 on type-approval of agricultural or forestry tractors, their trailers and interchangeable towed machinery, together with their systems, components and separate technical units and repealing Directive 74/150/EEC⁽¹⁾, and in particular points (a) and (b) of Article 19(1) thereof,

Whereas:

(1) Technical progress allows for complete whole vehicle type-approval for tractors of category T4.3 (low-clearance tractors), as defined in Directive 2003/37/EC. Therefore, Council Directive 80/720/EEC of 24 June 1980 on the approximation of the laws of the Member States relating to the operating space, access to the driving position and the doors and windows of wheeled agricultural or forestry tractors⁽²⁾, Directive 2003/37/EC, Directive 2009/60/EC of the European Parliament and of the Council of 13 July 2009 on the maximum design speed of and load platforms for wheeled agricultural or forestry tractors⁽³⁾ and Directive 2009/144/EC of the European Parliament and of the Council of 30 November 2009 on certain components and characteristics of wheeled agricultural or forestry tractors⁽⁴⁾ should be amended to take account of the specificities of low-clearance tractors.

(2) In order to progress in the completion of the internal market and to achieve higher levels of occupational safety, requirements for front power take-offs for all

tractor categories covered by Directive 2003/37/EC should be included in Council Directive 86/297/EEC of 26 May 1986 on the approximation of the laws of the Member States relating to the power take-offs of wheeled agricultural and forestry tractors and their protection⁽⁵⁾.

(3) The required clearance zones and dimensions of the power take-off protective guard established in Directive 86/297/EEC should be amended in order to achieve worldwide harmonisation of such zones and dimensions so as to facilitate the global competitiveness of Union manufacturers.

(4) ISO 500-1:2004 together with the Technical Corrigendum 1:2005, ISO 500-2:2004, and ISO 8759-1:1998 contain globally recognised requirements for power take-offs of all tractors covered by Directive 2003/37/EC. It is therefore appropriate to make reference to those ISO standards in Directive 86/297/EEC.

(5) Directive 2003/37/EC should be amended in order to reflect the application of Directive 86/297/EEC to tractors of category T5. Equally, Directive 2003/37/EC should be amended to reflect the application of Directive 2009/60/EC and Directive 80/720/EEC to tractors of category T4.3.

(6) The measures provided for in this Directive are in accordance with the opinion of the Committee established in Article 20(1) of Directive 2003/37/EC,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 80/720/EEC is amended as follows:

⁽¹⁾ OJ L 171, 9.7.2003, p. 1.

⁽²⁾ OJ L 194, 28.7.1980, p. 1.

⁽³⁾ OJ L 198, 30.7.2009, p. 15.

⁽⁴⁾ OJ L 27, 30.1.2010, p. 33.

⁽⁵⁾ OJ L 186, 8.7.1986, p. 19.

1. Article 1 is replaced by the following:

‘Article 1

1. For the purposes of this Directive, “tractor” means a tractor as defined in Article 2(j) of Directive 2003/37/EC of the European Parliament and of the Council (*),

For the purposes of this Directive, the tractor categories defined in Annex II to Directive 2003/37/EC shall apply.

2. This Directive shall apply to tractor categories T1, T3 and T4 as defined in Annex II to Directive 2003/37/EC.

This Directive shall not apply to tractors of category T4.3 where the driver’s seat index point, as determined in Annex II to Directive 2009/144/EC of the European Parliament and of the Council (**) is more than 100 mm from the median longitudinal plane of the tractor.

(*) OJ L 171, 9.7.2003, p. 1.
(**) OJ L 27, 30.1.2010, p. 33.;

2. Annex I is amended in accordance with Annex I to this Directive.

Article 2

Directive 86/297/EEC is amended as follows:

1. The title is replaced by the following:

‘Council Directive 86/297/EEC of 26 May 1986 on the approximation of the laws of the Member States relating to the power take-offs of tractors and their protection’;

2. Article 1 is replaced by the following:

‘Article 1

1. For the purposes of this Directive, “tractor” means a tractor as defined in Article 2(j) of Directive 2003/37/EC of the European Parliament and of the Council (*).

2. For the purposes of this Directive, the tractor categories defined in Annex II to Directive 2003/37/EC shall apply.

(*) OJ L 171, 9.7.2003, p. 1.;

3. Annexes I and II are replaced by the text set out in Annex II to this Directive.

Article 3

Annex II to Directive 2003/37/EC is amended in accordance with Annex III to this Directive.

Article 4

Directive 2009/60/EC is amended as follows:

1. Article 1 is replaced by the following:

‘Article 1

1. For the purposes of this Directive, “tractor” means a tractor as defined in Article 2(j) of Directive 2003/37/EC.

2. For the purposes of this Directive, the tractor categories defined in Annex II to Directive 2003/37/EC shall apply.

3. This Directive shall apply only to tractors which are equipped with pneumatic tyres and have a maximum design speed of not more than 40 km/h.;

2. Annex I is amended in accordance with Annex IV to this Directive.

Article 5

Directive 2009/144/EC is amended as follows:

1. Article 1 is replaced by the following:

‘Article 1

1. For the purposes of this Directive, “tractor” means a tractor as defined in Article 2(j) of Directive 2003/37/EC.

2. For the purposes of this Directive, the tractor categories defined in Annex II to Directive 2003/37/EC shall apply.

3. This Directive shall apply to tractor categories T1, T2, T3 and T4.;

2. Annex II is amended in accordance with Annex V to this Directive.

Article 6

1. For tractor categories T1, T2 and T3 as defined in Annex II to Directive 2003/37/EC, Member States shall apply the provisions referred to in Article 7(1) of this Directive to new types of vehicles from 29 September 2011 and to new vehicles from 29 September 2012.

2. For tractors of category T4.3 as defined in Annex II to Directive 2003/37/EC, Member States shall apply the provisions referred to in Article 7(1) of this Directive to new types of vehicles from 29 September 2013 and to new vehicles from 29 September 2016.

3. For vehicle categories T4.1, T4.2, T5, C, R and S as defined in Annex II to Directive 2003/37/EC, Member States shall apply the provisions referred to in Article 7(1) of this Directive to new types of vehicles and to new vehicles from the dates laid down in Article 23(2) of Directive 2003/37/EC.

Article 7

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 29 September 2011 at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 8

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

Article 9

This Directive is addressed to the Member States.

Done at Brussels, 8 September 2010.

For the Commission

The President

José Manuel BARROSO

ANNEX I

Point I.2 of Annex I to Directive 80/720/EEC is replaced by the following:

- 1.2. For all tractors with the exception of narrow tractors with track width $\leq 1\,150$ mm and those that fall within category T4.3, the width of the operating space must be at least 900 mm, from 400 to 900 mm above the reference point and over a length of 450 mm forward of that point (see Figures 1 and 3).

For tractors of category T4.3, the operating space must, over the zone extending to 450 mm in front of the reference point, have at a height of 400 mm above the reference point, a total width of at least 700 mm, and at a height of 900 mm above the reference point, a total width of at least 600 mm.'

ANNEX II

ANNEX I

General provisions and requirements for power take-offs

1. Definition and scope

1.1. "Power take-off" (PTO) means an external shaft of the tractor to provide rotational power to implements.

1.2. The provisions of this Directive apply only to power take-offs as defined in point 1.1 and located at the rear or the front of the tractor.

2. Application for EC type-approval

2.1. The application for the type approval of a tractor type as regards the power take-off and its protection must be submitted by the tractor manufacturer or his authorised representative, using the information document, the model of which appears in Annex II, Part 1.

2.2. It must be accompanied by drawings, in triplicate, on an appropriate and suitably detailed scale, of those parts of the tractor subject to the requirements of this Directive.

2.3. A tractor representative of the type submitted for approval or those part(s) of the tractor considered essential for the execution of the tests required by this Directive must be supplied to the technical service responsible for conducting the type-approval tests.

3. EC type-approval certificate

A certificate conforming to the model which appears in Annex II, Part 2 must be completed for each approval granted or refused.

4. General Provisions

Where tractors are equipped with power take-offs, these must comply with the requirements of this Annex.

For the purposes of this Directive, the standards referred to in points 4.1 and 4.2 apply.

4.1. Provisions for rear power take-offs

The specifications of ISO 500-1:2004 together with Technical Corrigendum 1:2005 and ISO 500-2:2004 apply to tractors with rear power take-offs according to Table 1.

Table 1

Application of standards for rear power take-offs of the different tractor categories

Standard applicable	T1 C1	T2 C2	T3 C3	T4.1 C4.1	T4.2 C4.2	T4.3 C4.3	T5 C5
ISO 500-1:2004 (*) (***)	X	--	X ₁₎	X ₁₎	X ₁₎	X	X ₁₎
ISO 500-2:2004 (**)	--	X	X ₂₎	X ₂₎	X ₂₎	--	X ₂₎

X Standard applicable.

-- Standard not applicable.

X₁₎ Standard applicable for tractors with a track width of more than 1 150 mm.

X₂₎ Standard applicable for tractors with a track width of 1 150 mm or less.

(*) In the standard ISO 500-1:2004, the last sentence in section 6.2 is not applicable.

(**) For the purposes of this Directive, this standard also applies to tractors with a power take-off, the power of which exceeds 20 kW, measured in accordance with ISO 789-1:1990.

(***) For power take-offs of type 3 and where it is possible to reduce the dimension of the opening of the protective guard in order to adapt to the coupling elements to be used, the user manual must contain the following elements:

- warning relating to the consequences and risks caused by the reduced dimension of the protective guard,
- instructions and specific warnings relating to coupling and releasing the power take-offs,
- instructions and specific warnings relating to the use of tools or machines coupled to the rear power take-off.

4.2. Provisions for front power take-offs

The specifications of ISO 8759-1:1998 apply to tractors with front power take-offs according to Table 2.

Table 2

Application of standards for front power take-offs of the different tractor categories

Standard applicable	T1 C1	T2 C2	T3 C3	T4.1 C4.1	T4.2 C4.2	T4.3 C4.3	T5 C5
ISO 8759-1:1998	X	X	X ₃₎	X ₄₎	X	X ₄₎	X

X Standard applicable.

X₃₎ Standard applicable when the tractor is equipped with power take-offs as specified in this standard.

X₄₎ Standard applicable, except clause 4.2.

ANNEX II

Part 1

INFORMATION DOCUMENT No [...]

pursuant to Annex I to Directive 2003/37/EC relating to EC type-approval of a tractor with respect to the power take-offs of tractors

The following information, if applicable, shall be supplied in triplicate and include a list of contents.

Any drawings shall be supplied in appropriate scale and in sufficient detail in A4 format. Photographs, if any, shall show sufficient detail.

0. GENERAL

0.1. Make(s) (trade mark registered by the manufacturer):

0.2. Type (specify any variants and versions):

0.3. Means of identification of type, if marked on the vehicle:

0.3.1. Manufacturer's plate (location and method of affixing):

0.4. Category of vehicle ⁽¹⁾:

0.5. Name and address of manufacturer:

0.8. Name(s) and address(es) of assembly plant(s):

4.12. Power take-off(s) (revolutions per minute and ratio of this figure to that of the engine) (number, type and position)

4.12.1. Main power take-off(s):

4.12.2. Other(s):

4.12.3. Power take-off guard(s) (description, dimensions, drawings, photographs):

⁽¹⁾ As defined in Annex II to Directive 2003/37/EC.

Part 2

TYPE-APPROVAL DOCUMENTATION

MODEL

(maximum format: A4 (210 × 297 mm))

EC TYPE-APPROVAL CERTIFICATE

Stamp of administration

Communication concerning the

- type approval ⁽¹⁾
- extension of type approval ⁽¹⁾
- refusal of type approval ⁽¹⁾
- withdrawal of type approval ⁽¹⁾

of a type of tractor with regard to Directive 86/297/EEC,

Type-approval number:

Reason for extension:

Section I

- 0.1. Make (trade name of manufacturer):
- 0.2. Tractor type:
- 0.3. Means of identification of tractor type if marked on the tractor ⁽²⁾:
 - 0.3.1. Location of that marking:
- 0.4. Category of vehicle ⁽³⁾:
- 0.5. Name and address of manufacturer:
- 0.8. Name(s) and address(es) of assembly plant(s):

Section II

1. Additional information (where applicable): See Addendum
2. Technical service responsible for carrying out the tests:
3. Date of test report:
4. Number of test report:
5. Remarks (if any): See Addendum
6. Place:
7. Date:
8. Signature:
9. The index to the information package lodged with the approval authority, which may be obtained on request, is attached.

⁽¹⁾ Delete where not applicable.⁽²⁾ Where the means of identification of tractor type contains characters not relevant to describe the tractor types covered by this type-approval certificate, such characters are represented in the documentation by the symbol “?” (e.g. ABC?123?).⁽³⁾ As defined in Annex II to Directive 2003/37/EC.

ANNEX III

Annex II to Directive 2003/37/EC is amended as follows:

1. in Chapter B, Part I, in the List of separate directives, in line 18.1, column T5, the figure '(X)' is replaced by the figure 'X';
2. Chapter B, Appendix 1, Part II is amended as follows:
 - (a) in line 2.2, column T4.3, the figure '(X)' is replaced by the figure 'X';
 - (b) in line 17.1, column T4.3, the figure '(X)' is replaced by the figure 'X'.

ANNEX IV

The following subparagraph is added to point 2.2 of Annex I to Directive 2009/60/EC:

'In the case of tractors of category T4.3, the length of the platform shall not exceed 2,5 times the maximum front or rear track of the tractor, whichever is the larger.'

ANNEX V

Annex II to Directive 2009/144/EC is amended as follows:

1. point 2.3.2.11 is replaced by the following:

'2.3.2.11. Narrow-track tractors and tractors of category T4.3.'
2. point 2.3.2.11.1 is replaced by the following:

'2.3.2.11.1. In the case of narrow-track tractors as defined in the second indent of Article 1 of Council Directive 87/402/EEC (*) and tractors of category T4.3 as defined in Annex II, Chapter B, Appendix 1, Part I, of Directive 2003/37/EC the requirements of point 2.3.2.9 shall not apply to the zone situated below a plane inclined at 45° to the rear and transverse to the direction of travel, and passing through a point located 230 mm behind the seat index point (see Figure 7). If there are any dangerous points in this zone, corresponding warnings must be affixed to the tractor.'

(*) OJ L 220, 8.8.1987, p. 1.'

DECISIONS

DECISION OF THE EUROPEAN CENTRAL BANK

of 27 July 2010

amending Decision ECB/2007/5 laying down the Rules on Procurement

(ECB/2010/8)

(2010/483/EU)

THE EXECUTIVE BOARD OF THE EUROPEAN CENTRAL BANK,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Article 11.6 thereof,

Having regard to Decision ECB/2004/2 of 19 February 2004 adopting the Rules of Procedure of the European Central Bank ⁽¹⁾, and in particular Article 19 thereof,

Whereas:

(1) The thresholds for public tender procedures laid down in Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts ⁽²⁾ have been changed by Commission Regulation (EC) No 1177/2009 of 30 November 2009 amending Directives 2004/17/EC, 2004/18/EC and 2009/81/EC of the European Parliament and of the Council in respect of their application thresholds for the procedures for the award of contracts ⁽³⁾. The European Central Bank (ECB), although not subject to Directive 2004/18/EC, intends to apply the same thresholds for its public tender procedures.

(2) Research and development contracts in the field of banknote security require special security measures and can therefore not be put out to tender. It should be clarified that such contracts fall under the exception laid down in Article 6(1)(c) of Decision ECB/2007/5 ⁽⁴⁾.

(3) Following a recent judgment of the Court of Justice of the European Union ⁽⁵⁾, it is necessary to clarify that the exemptions for cooperation agreements between the ECB and national central banks (NCBs) and cooperation

agreements between the ECB and other Union institutions and bodies, international organisations or government agencies not only cover cooperation in the fulfilment of public tasks, but also auxiliary services for the fulfilment of public tasks.

(4) Following recent judgments of the Court of Justice of the European Union ⁽⁶⁾, the time limit for raising objections to the ECB's requirements needs to be refined further.

(5) For reasons of transparency, and without prejudice to Decision ECB/2004/3 of 4 March 2004 on public access to European Central Bank documents ⁽⁷⁾, unsuccessful candidates and tenderers should be entitled to receive copies of all internal documents relating to the evaluation of their application or tender and, under certain conditions, copies of documents relating to the evaluation of the successful tender.

(6) It is necessary to clarify that in exceptional, duly justified cases, extensions of a contract may exceed the initial term of a contract.

(7) Decision ECB/2007/5 should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

*Article 1***Amendments**

Decision ECB/2007/5 is amended as follows:

1. in Article 1 the following definition is added:

'(q) "research and development contracts in the field of banknote security" means contracts related to theoretical work or practical experimentation, analysis and research carried out under controlled conditions either:

⁽¹⁾ OJ L 80, 18.3.2004, p. 33.

⁽²⁾ OJ L 134, 30.4.2004, p. 114.

⁽³⁾ OJ L 314, 1.12.2009, p. 64.

⁽⁴⁾ OJ L 184, 14.7.2007, p. 34.

⁽⁵⁾ Case C-480/06 *Commission v Germany* [2009] ECR I-4747.

⁽⁶⁾ Case C-406/08 *Uniplex (UK) v NHS Business Services Authority* [2010] ECR I-0000 and C-456/08 *Commission v Ireland* [2010] ECR I-0000.

⁽⁷⁾ OJ L 80, 18.3.2004, p. 42.

- for acquiring new knowledge and inventing new or improving existing materials, manufacturing processes or devices for the origination, production, transport, issuance, authentication and destruction of euro banknotes (including the origination materials of the latter),
- for initiating the manufacture of new or improving existing materials, products or devices for the origination, production, transport, issuance, authentication and destruction of euro banknotes (including the origination materials of the latter).

Research and development contracts in the field of banknote security do not include contracts for the pilot printing of euro banknotes.;

2. Article 2 is amended as follows:

(a) paragraph 3(a) is replaced by the following:

'(a) cooperation agreements between the ECB and NCBs which serve the fulfilment of Eurosystem/ESCB public tasks;';

(b) paragraph 3(c) is replaced by the following:

'(c) cooperation agreements between the ECB and other Union institutions and bodies, international organisations or government agencies, which serve the fulfilment of public tasks;';

3. Article 4(3) is replaced by the following:

'3. The following threshold amounts shall apply:

- (a) EUR 193 000 for supply and service contracts;
- (b) EUR 4 845 000 for works contracts.;

4. Article 6 is amended as follows:

(a) paragraph 1(c) is replaced by the following:

'(c) when the ECB has classified the contract as secret or when the performance of the contract must be accompanied by special security measures, in accordance with the ECB's rules on security or when the protection of the ECB's essential interests so requires. Research and development contracts in the field of banknote security require special security measures and are therefore exempt from the requirements laid down in this Decision.;

(b) the following paragraph 2(g) is added:

'(g) health and social services.;

5. Article 7(2) is replaced by the following:

'2. If a contract is concluded for a fixed term, its term may be extended beyond that initial term under the following conditions:

- (a) the contract notice or, in the case of a procedure under Chapter III, the request for a proposal, provided for the possibility of extensions;
- (b) the possible extensions are duly justified;
- (c) the possible extensions were taken into consideration when determining the applicable procedure in accordance with Article 4.

The totality of all extensions shall as a rule not exceed the term of the initial contract, except in duly justified cases.;

6. Article 21(2) is replaced by the following:

'2. If candidates or tenderers consider that the ECB's requirements laid down in the contract notice, the invitation to tender or supporting documents are incomplete, inconsistent or illegal or that the ECB or another candidate/tenderer has infringed the applicable procurement rules, they shall notify their objections to the ECB within 15 days. If the irregularities affect the invitation to tender or other documents sent by the ECB, the time limit shall start to run from the date of receipt of the documentation. In other cases, the time limit shall start to run from the moment the candidates or tenderers become aware of the irregularity or could reasonably have become aware of it. The ECB may then either correct or supplement the requirements or remedy the irregularity as requested, or reject the request indicating the reasons therefor. Objections which are not communicated to the ECB within 15 days may not be raised at a later stage.;

7. Article 28(3) is replaced by the following:

'3. Candidates and tenderers may, within 15 days of receipt of the notification, request the ECB to provide the reasons for rejecting their application or their tender and to provide copies of all documents relating to the evaluation of their application or tender. Unsuccessful tenderers whose tender was admissible may also ask for the name of the successful tenderer as well as the key characteristics and relative advantage of its tender. They may also request copies of all documents relating to the evaluation of the successful tender, subject to paragraph 4.;

8. Article 30(2) is replaced by the following:

'2. Tenderers may, within 15 days of receipt of the notification, request the ECB to provide the reasons for rejecting their tender and to provide copies of all documents relating to the evaluation of their tender.'

provisions of Decision ECB/2007/5 in force at the date when the tender procedure started. For the purpose of this provision a tender procedure is deemed to start on the date on which the contract notice was sent to the *Official Journal of the European Union* or, in cases where no such notice is required, on the date when the ECB invited one or several suppliers to submit a tender.

Article 2

Entry into force

Done at Frankfurt am Main, 27 July 2010.

1. This Decision shall enter into force on 1 October 2010.

2. Tender procedures started before the entry into force of this Decision shall be completed in accordance with the

The President of the ECB

Jean-Claude TRICHET

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